

From: [Gaito, Danielle](#)
To: [stergios.spanos \(stergios.spanos@des.nh.gov\)](mailto:stergios.spanos@des.nh.gov)
Cc: [Houlihan, Damien](#)
Subject: NH0000710: Transmittal of Final Permit and RTC for NHDES Review
Date: Friday, August 21, 2020 2:06:00 PM
Attachments: [Powder Mill Final Permit NHDES Review.docx](#)
[Powder Mill Response to Comments NHDES Review.docx](#)

CONFIDENTIAL/PRE-DECISIONAL/INTER-AGENCY DELIBERATIVE

NOT FOR RELEASE

NH DES Review Due Date: **September 14, 2020**

Re: Final permit, NPDES Permit No. NH0000710

EPA is transmitting the above-referenced document with the specific purpose of obtaining NH DES state certification. EPA is the permitting authority in your state, and as such is the final decision maker on matters concerning the federal permit. EPA, however, observes that federal water permits are routinely adopted by your state under independent state authorities. In those circumstances, EPA and the state effectively function as co-regulators. Even if a permit is not jointly issued or adopted, EPA and the state share a common objective of ensuring that the Clean Water Act is effectively administered, consistent with principles of cooperative federalism, and that compliance with Clean Water Act requirements, including applicable state water quality standards, is assured.

EPA received a substantial number of public comments on the draft permit (public notice end date 2/14/2020). EPA'S response to comments document is attached. EPA will consider NH DES comments on this document received on or before the date specified above in order assure that permit proceeding continue to advance at a reasonably expeditious pace. The due date has been established in accordance with previously agreed upon timeframes.

On December 30, 2019, EPA requested state water quality certification on the above referenced permit. In that letter, EPA explained that the state water quality certification requirements will be waived if the state does not provide such certification within 60 days of the request. EPA notes that the 60-day timeframe has elapsed and again requests state certification. Please be advised that EPA will finalize the permit and reserves the right to deem the state certification requirement waived unless we receive such certification by the date specified above.

Please send final documents to Danielle Gaito. Thank you.

Damien

*Damien Houlihan, Chief
Industrial Permits Section
US EPA*

617 918-1586

